

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

DeLeys et al Atty. Ref.: 2551-141; Confirmation No. 3673

Appl. No. 10/822,871 TC/A.U. 1648

Filed: April 13, 2004 Examiner: Salvoza

For: SYNTHETIC ANTIGENS FOR THE DETECTION OF ANTIBODIES TO HEPATITIS  
C VIRUS

\* \* \* \* \*

February 20, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE**

Responsive to the Official Action dated January 19, 2007, the applicants elect, with traverse, the subject matter of the Examiner's Group I for further prosecution in the above.

Reconsideration and withdrawal of the restriction requirement are requested as the applicants submit, with due respect, that a search of all of the claimed subject matter would not present an undue burden for the Examiner.

In the event the restriction requirement is maintained, rejoinder and allowance of any claim defining a method of making and/or using a product defined by an allowable claim, at an appropriate time, are requested.

The applicants further elect, with traverse and for the purposes of initial search, the specific sequences of SEQ ID NOs: 4, 12 and 16. Examination of all of the claimed subject matter is requested.

Reconsideration and withdrawal of the species election requirement with regard to election of specific sequences are requested as the Examiner has not demonstrated that such sequences are patentably distinct and the applicants believe a similar requirement has not been made in earlier related application and that such a requirement should not be required in the present application. Specifically, the present application has been examined and issued with claims as U.S. Patent Nos. 5922532, 5910404, 6007982, 9287761, 6576417 and 6872520. The examination of the present application should not be restricted to the elected species.

The applicants further elect, with traverse, an immunoassay plate as a species for initial search. Examination of all of the claimed subject matter is requested.

Reconsideration and withdrawal of the species election requirement with regard to kit/test format as the alleged separately patentable species serve the same purpose in detection of anti-HCV antibodies. The format of such tests is not believed to have been demonstrated by the Examiner to be the basis of a separately patentable invention. The examination of the present application should not be restricted to the elected species.

An early and favorable Action on the merits of all of the claimed subject matter is requested.